IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.2226 of 2006
In
Civil Writ Petition No.752 of 1999

Shri Jugalkishor Gupta & anr. Applicants

Vs.

Shri Vinayak Laxman Jog Respondent

Ms.Kavita Pawar i/b. Mr.Sanjay Kshirsagar for applicants.

Mr.V.S.Gokhale for respondent.

CORAM: B.H.MARLAPALLE, J.

April 19, 2007.

P.C.

. This is an application filed by the appellants - original plaintiffs praying for appointment of Court Receiver of the suit premises bearing CTS No.200, Narayan Peth, Pune. It is contended that the premises are unused and are required by the landlords for bona fide use. This application has been opposed by the respondent - tenant by filing affidavit-in-reply. It is contended by the tenant that the premises are being used as a godown and the tenancy rights have been upheld by the lower Appellate Court.

. The suit for eviction was allowed by the trial Court and it has been dismissed by the lower Appellate Court. The contentions of the landlords that the premises are required for bona fide use and, therefore, Court Receiver could be appointed cannot be accepted. In addition the allegations that the premises are unused have been denied.

. Under the circumstances, there is no case made out to entertain this application and the same is hereby rejected.

(B.H.MARL